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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
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7 **IN RE GOOGLE PLAY STORE**
8 **ANTITRUST LITIGATION**

9 This Document Relates To:

10 *In re Google Play Consumer Antitrust*
Litigation, Case No. 3:20-cv-05761-JD

11 *State of Utah et al. v. Google LLC et al.*,
12 Case No. 3:21-cv-05227-JD

Case No. 3:21-md-02981-JD

DECLARATION OF JUSTIN P.
RAPHAEL IN SUPPORT OF
DEFENDANTS' MOTION FOR LEAVE
TO FILE SUPPLEMENTAL BRIEF IN
SUPPORT OF DEFENDANTS' MOTION
TO EXCLUDE MERITS OPINIONS OF
DR. HAL J. SINGER

Judge: Hon. James Donato

Date: August 3, 2023

Time: 10:00 a.m. Pacific Time

Courtroom: 11, 19th Floor, 450 Golden Gate
Ave, San Francisco, California,
94102

DECLARATION OF JUSTIN P. RAPHAEL

I, Justin P. Raphael, hereby declare:

1. I am admitted to practice before all of the courts of the State of California and this Court. I am an attorney at the law firm of Munger, Tolles & Olson LLP and counsel of record for Defendants in the above-captioned matter. I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, I could and would testify competently to the matters set forth herein

2. On October 3, 2022, Consumer Plaintiffs served on Google the Expert Report of Hal J. Singer, Ph.D. On December 23, 2022, Consumer Plaintiffs served the Expert Reply Report of Hal J. Singer, Ph.D. (“Singer Reply Report”). Attached hereto as **Exhibit A** is a true and accurate copy relevant excerpts from the Singer Reply Report.

3. On April 20, 2023, Google filed its Motion to Exclude Merits Opinions of Dr. Hal J. Singer (“Motion to Exclude”). On April 27, 2023, after Google filed its Motion to Exclude, lead trial counsel for all member cases held an in-person trial “summit” to discuss a plan and sequencing of the cases in this MDL for trial. At that trial summit, Google asked counsel for Consumer Plaintiffs how Plaintiffs intended to prove damages for any individual plaintiffs at trial. Google reiterated that inquiry by email on May 5, 2023, asking “how Plaintiffs intended to prove damages for individual plaintiffs if they are going to be part of the trial.” Consumer Plaintiffs’ counsel responded on May 6, 2023, informing Google’s counsel that Plaintiffs “will be supplementing the reports to provide the calculation of damages for the individual plaintiffs under all of the models previously disclosed by Dr. Singer.” A true and correct copy of this correspondence is attached hereto as **Exhibit B**.

4. On May 12, 2023, Consumer Plaintiffs served on Google a Supplemental Expert Report of Hal J. Singer, Ph.D. Attached hereto as **Exhibit C** is a true and accurate copy of relevant excerpts from this report.

5. On June 16, 2023, Google served on Plaintiffs a Supplemental Expert Rebuttal Report by Dr. Gregory Leonard responding to Dr. Singer’s Supplemental Expert Report. Attached

1 hereto as **Exhibit D** is a true and accurate copy of relevant excerpts from Dr. Leonard's rebuttal
2 report.

3 6. More than three weeks after the close of briefing on Google's Motion to Exclude,
4 on June 30, 2023, Dr. Singer submitted a Supplemental Expert Reply Report, along with certain
5 backup work papers. Attached hereto as **Exhibit E** is a true and accurate copy of relevant excerpts
6 from that report. Attached hereto as **Exhibit F** is a true and accurate copy of relevant portions of
7 those backup work papers.

8 7. Google deposed Dr. Singer regarding his supplemental reports on July 18, 2023.
9 Attached hereto as **Exhibit G** is a true and accurate copy of relevant excerpts from that deposition
10 transcript.

11 8. On July 25, 2023, I emailed counsel for Plaintiffs asking whether they would
12 stipulate to Google's request for leave to file a supplemental brief in support of Google's Motion
13 to Exclude the Merits Opinions of Dr. Singer. On July 26, 2023, Plaintiffs' counsel indicated that
14 Plaintiffs would not stipulate to Google's request for leave. A true and correct copy of my
15 correspondence with Plaintiffs' counsel is attached hereto as **Exhibit H**.

16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed on this 26th day of July, 2023, at San Francisco, California.

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20 s/ Justin P. Raphael

21 Justin P. Raphael
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E-FILING ATTESTATION

I, Sujal J. Shah, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that counsel for Defendants have concurred in this filing.

/s/ Sujal J. Shah

Sujal J. Shah